

Of Counsel:

ALSTON HUNT FLOYD & ING  
Attorneys At Law  
A Law Corporation

PAUL ALSTON 1126-0  
GLENN T. MELCHINGER 7135-0  
American Savings Bank Tower  
1001 Bishop Street, 18th Floor  
Honolulu, Hawai'i 96813  
Telephone: (808) 524-1800  
Facsimile: (808) 524-4591  
Email: gtm@ahfi.com

Attorneys for Plaintiffs  
SPORTS SHINKO CO., LTD., and  
SPORTS SHINKO (USA) CO., LTD.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAI'I

SPORTS SHINKO CO., LTD.,	)	CIVIL NO. CV 04-00124
	)	ACK/BMK
Plaintiff,	)	
	)	<b>PLAINTIFFS' RESPONSE TO</b>
vs.	)	<b>DEFENDANTS OR HOTEL,</b>
	)	<b>LLC AND MILILANI GOLF</b>
QK HOTEL, LLC, a Hawai'i	)	<b>CLUB LLC'S FIRST REQUEST</b>
limited liability company,	)	<b>FOR ADMISSIONS; FIRST</b>
	)	<b>REQUEST FOR ANSWERS TO</b>
Defendant.	)	<b>INTERROGATORIES; AND</b>
	)	<b>FIRST REQUEST FOR</b>
	)	<b>PRODUCTION OF</b>
	)	<b>DOCUMENTS TO PLAINTIFFS</b>
	)	<b>SPORTS SHINKO CO., LTD.</b>
	)	<b>AND SPORTS SHINKO (USA)</b>

	)	CO., LTD., DATED JANUARY
	)	3, 2005
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SPORTS SHINKO (USA) CO.,	)	CIVIL NO. CV 04-00125
LTD., a Delaware corporation,	)	ACK/BMK
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
PUKALANI GOLF CLUB, LLC, a	)	
Hawai'i limited liability company;	)	
and KG MAUI DEVELOPMENT,	)	
LLC, a Hawai'i limited liability	)	
company,	)	
	)	
Defendants.	)	
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SPORTS SHINKO (USA) CO.,	)	CIVIL NO. CV 04-00126
LTD, a Delaware corporation,	)	ACK/BMK
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
KIAHUNA GOLF CLUB, LLC, a	)	
Hawai'i limited liability company;	)	
KG KAUAI DEVELOPMENT, LLC,	)	
a Hawai'i limited liability	)	
company; PUKALANI GOLF	)	
CLUB, LLC, a Hawai'i limited	)	
liability company; KG MAUI	)	
DEVELOPMENT, LLC, a Hawai'i	)	
limited liability company;	)	
MILILANI GOLF CLUB, LLC, a	)	
Hawai'i limited liability company;	)	

QK HOTEL, LLC, a Hawai'i  
limited liability company; OR  
HOTEL, LLC, a Hawai'i limited  
liability company, and KG  
HOLDINGS, LLC, a Hawai'i  
limited liability company,

Defendants.

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SPORTS SHINKO CO., LTD.,

Plaintiff,

vs.

OR HOTEL, LLC, a Hawai'i  
limited liability company,

Defendant.

CIVIL NO. CV 04-00127  
ACK/BMK

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SPORTS SHINKO (USA) CO.,  
LTD., a Delaware corporation,

Plaintiff,

vs.

MILILANI GOLF CLUB, LLC, a  
Hawai'i limited liability company,

Defendants.

CIVIL NO. CV 04-00128  
ACK/BMK

31. *Admit that except for the transfer of the OR Hotel, the transfer of the QK Hotel, and the transfer of all lands at Pukalani described in paragraph 1.1.1(a)(v) of the PSA [SIC], the Transactions Contemplated by the PSA were completed on January 25, 2002.*

**Objection:** Vague and ambiguous such that Plaintiffs cannot know what they would be admitting. Plaintiffs object to the definition of the "Transactions contemplated by the PSA" [SIC] as a single "transfer." Also, there is no section 1.1.1(a)(v) in the PSA. Plaintiffs assume Defendants mean section 1.1(a)(v).

Admit: \_\_\_\_\_ Deny: \_\_\_\_\_X\_\_\_\_\_

Subject to the foregoing objections, Plaintiffs admit the escrows for the transfers under the January 15, 2002 Purchase and Sale Agreement, other than the OR Hotel and QK Hotel, closed on or around January 25, 2002. Plaintiffs admit that certain Maui real property was not transferred on that date, due to errors in the property descriptions provided by the title company that were used to create the deeds. In addition, the Cartwright Apartments (TMK No. (1) 2-6-27-30) were apparently deeded on April 15, 2002 to QK Hotel LLC.

32. *Admit that the OR Hotel was purportedly transferred by SS-Waikiki to OR Hotel, LLC on February 1, 2002, and that as of December 31, 2004, SS-Waikiki has not provided consent of the lessor of OR Hotel to the transfer.*

**Objection:** Vague and ambiguous such that Plaintiffs cannot know what they would be admitting (e.g., "purportedly" and "provided"). The Request is misleading as to the SS Hawaii Subsidiaries' legal duties to the extent that "provided consent" implies that SS-Waikiki has some duty, power, or obligation to obtain consent of the "lessor" beyond any duty in the PSA, including Section 7.3.

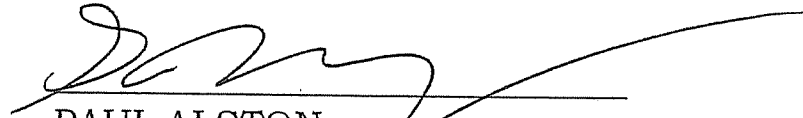
Admit: \_\_\_\_\_ Deny: \_\_\_\_\_X\_\_\_\_\_

**RESPONSE:**

Plaintiffs have disclosed and/or will produce non-privileged documents responsive to this request, if any exist, subject to their objections and the Stipulated Protective Order.

MAY 13 2005

DATED: Honolulu, Hawai'i, \_\_\_\_\_.



PAUL ALSTON

GLENN T. MELCHINGER

Attorneys for Plaintiffs

VERIFICATION

JAPAN

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OSAKA

) SS:

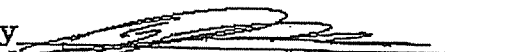
)

Yoshihiko Machida, being first duly sworn on  
oath, deposes and says:

That he is the President of SPORTS SHINKO  
(USA) CO., LTD. and that he is an agent of SPORTS SHINKO (USA)  
CO., LTD. for the purpose of answering the foregoing *requests for*  
*answers to interrogatories* and for making this verification, and the  
foregoing answers are true according to his knowledge, information,  
and belief.

SPORTS SHINKO (USA) CO., LTD.

By

  
His *President*

275674-4/6850-5

NO. 6230 P. 2

(印) 受理外ノリ-留禁

2005年 5月14日 11時09分

VERIFICATION

JAPAN


OSAKA

)  
) SS:  
)

Michihiro Chikubu, being first duly sworn on  
oath, deposes and says:

That he is the President of SPORTS SHINKO  
CO., LTD. and that he is an agent of SPORTS SHINKO CO., LTD. for  
the purpose of answering the foregoing *requests for answers to*  
*interrogatories* and for making this verification, and the foregoing  
answers are true according to his knowledge, information, and  
belief.

SPORTS SHINKO CO., LTD.

By   
Its President